

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEFFREY M. MIZE,)	
)	
Plaintiff,)	
)	Case No. 4:23-cv-00913-SEP
v.)	
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

**DEFENDANT MARK ZVIBLEMAN'S MOTION TO STRIKE PLAINTIFF'S REPLY
RESPONSE IN OPPOSITION TO DEFENDANT MARK ZVIBELMAN'S
MOTION TO QUASH SERVICE OF PROCESS**

COMES NOW Defendant Mark Zvibleman (incorrectly sued as Mark Zvibelman)(hereinafter "Defendant"), by and through counsel, and for his Motion to Strike Plaintiff's Reply Response in Opposition to Defendant Mark Zvibelman's Motion to Quash Service of Process, states:

1. Defendant filed his Motion to Quash Service of Process with this Court on August 10, 2023. (Doc. #: 29)
2. Plaintiff filed his Reply Response in Opposition to Defendant Mark Zvibelman's Motion to Quash Service of Process on August 30, 2023. (Doc. #: 45)
3. Local Rule 4.01(B) states:

Except as otherwise provided in these rules or by order of the Court, each party opposing a motion (other than a motion seeking an extension of time) **must file, within fourteen (14) days after service of the motion**, a single memorandum containing any relevant argument and citations to authorities on which the party relies. If any memorandum in opposition requires consideration of facts not appearing in the record, the party must file with its memorandum all documentary evidence relied upon. Each opposition to a motion seeking an extension of time must be filed within seven (7) days after service of the motion. **(Emphasis added)**

4. Pursuant to Local Rule 4.01(B), Plaintiff's opposition to Defendant's Motion to Quash Service of Process was due to be filed no later than August 24, 2023.
5. The filing of Plaintiff's Reply Response in Opposition to Defendant Mark Zvibelman's Motion to Quash Service of Process on August 30, 2023, was not timely as it was not filed within fourteen days (14) of Defendant Mark Zvibelman's Motion to Quash Service of Process which was filed on August 10, 2023.
6. As a result of the foregoing, Defendant respectfully requests that Defendant Mark Zvibelman's Motion to Strike Plaintiff's Reply Response in Opposition to Defendant Mark Zvibelman's Motion to Quash Service of Process be granted, that Defendant Mark Zvibelman's Motion to Quash Service of Process be granted, and for such other and further relief that this Court deems just and proper under the circumstances.

WHEREFORE, Defendant Mark Zvibelman prays that this Court grant Defendant Mark Zvibelman's Motion to Strike Plaintiff's Reply Response in Opposition to Defendant Mark Zvibelman's Motion to Quash Service of Process, that Defendant Mark Zvibelman's Motion to Quash Service of Process be granted, and for such other and further relief that this Court deems just and proper under the circumstances.

Respectfully submitted,

SINARS SLOWIKOWSKI TOMASKA LLC

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ATTORNEYS FOR DEFENDANT MARK
ZVIBELMAN

CERTIFICATE OF SERVICE

I certify that on September 8, 2023, a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the court to be in default for failure to plead., and upon plaintiff via U.S. Mail:

Jeffrey Mize
7635 W. Shore Dr.
Egg Harbor, WI 54209

/s/ Sharon L. Diesselhorst